

1909-047 Chancery Causes: H. Z. Parsons & vs. JH Bledsoe &
Lee Co.

CA-Debt
T-Property

-Deed

To the Hon.H.A.W.Skeen,Judge of the Circuit Court of Lee County:

Humbly complainang,your orators,H.Z.Parsons and A.F.Parsons, citizens of Lee County,Virginia,would respectfully represent and show unto your honer,as follows:

1. That while one Jeff Bledsoe was the rightful and equitable owner of two certain lots of land,hereinafter more fully described, they,at his special instance and request,opened and made an account with him,whereby they let him have under his promise and agreement to pay,various lumbers,goods,wares and merchandise;that the said Bledsoe paid along on his account,and getting more and having charged,until finally he quit paying and refused to pay any thing further on his account;

2. That at the time of the closing of his account with your orators,he was justlyindebted to them on a balance in the sum of \$68.60;that after repeated demands for the payment of said sum of money,and his continued faillure and refusal to pay the same,your orators on the 3rd day of December,1906,obtained before A.R.Stapleton,a justice of the peace in and for the county of Lee and State of Virginia,a judgement for said sum of \$68.60,with legal interest thereon from the 3rd day of Dec.,1906,till paid and the sum of \$1.00 costs,against the said Jeff Bledsoe,which judgement is herewith filed marked exhibit "A",and prayed to be read as a part of this bill;that no part of said judgement hath ever been paid,but the same is still owing to your orators;that said judgement on the _____ day of December,1906,was duly docketed in the Judgement Lien Docket, in the clerk's office for Lee County,a certified copy of which is here filed marked as exhibit "B",and prayed to be read as a part of this bill;

3. That at the time said Bledsoe made said account with your orators,and on which said judgement was obtained,he was the sole and equitable owner of two small tracts of land,lying and being in the Pocket country,in Lee county,Virginia,on the waters of Big Branch, one of which tracts or lots he bought in consideration of \$25.00

from one Mikeal Head, and the other in consideration of \$25.00

from one W.H.Wax; that the lot purchased from the said Head is bounded as follows, to-wit:

"Beginning on a rock, corner to Mary F. Wax land, near a ditch cut by a spring, thence southward 96 feet with said ditch to another rock; thence westward 47 feet to another rock in Mary F. Wax's line; thence with said Wax's line 51 feet to the BEGINNING;

and the one which he purchased from said W.H.Wax is bounded as follows, to-wit:

Beginning on a stake and small white oak on the banks of the road that runs up Big Branch east, parallel to said road sixty feet to a stake in Michael Head's land on the south bank of said road, thence south with said Head's line 115 feet to ~~xxxxxx~~ a line of the lands mentioned in the said deed from said Head to said Elizabeth Bledsoe; thence with her line 55 feet to said Waxes line, thence with said W.H.Wax's line 124 feet to the Beginning;

that said Jeff Bledsoe himself and for himself purchased from said Head and Wax said two lots or parcels of land, and paid for them out of his own means, money and labor.

4. That after the said Jeff Bledsoe had become so indebted to your orators, and with the intent to hinder, delay and defraud them in the collection of their said debt, he had procured said Head and ~~Wax~~ and his wife by a deed, adted the 28th day of April, 1905, to convey the first above described lots of land which he had previously bought from said Head to his wife, Elizabeth Bledsoe; that with a like intent and purpose he had and procured the said W.H. Wax by a deed, dated the 18th day of December, 1906, to convey the second above described tracts or lots of land which he had previously bought from said Wax also to his said wife; that the said Head deed was recorded in the clerk's office for Lee county, Va., on the 26th day of September, 1905, a certified copy from the clerk of said county, is herewith filed marked exhibit "C" and prayed to be read as a part of this bill; that the said Wax deed was recorded in said clerk's office on the 4th day of January, 1907, a certified copy of which is herewith filed marked exhibit "D", and ~~prayed~~ to be read as a part of this bill; that the said Elizabeth Bledsoe paid no part of the consideration of either of said two lots of land, but the same was paid wholly by the said Jeff Bledsoe; that she the said Elizabeth Bledsoe, well knowing that said lots of land

were paid for wholly by her said husband, connived and colluded with her said husband to hinder, delay and defraud your orators in the collection of their said debt, by allowing and permitting said Head and Wax on the request of her husband to make their said deeds to herself instead of to the said Jeff Bledsoe; they, thus both hoping by such an arrangement to successfully defeat your orators in the collection of their said debt.

Your orators had no actual knowledge that said two deeds had been made to said

5. That much of the debt aforesaid was created by the said Jeff Bledsoe for lumber which he used in building himself a dwelling house on said land which he bought from said Head, and the residue was for clothing and supplies for himself and family.

6. Your orators will further show and allege that said deed of said Wax, as will be seen and appear from an inspection of the same is to ELIZA Bledsoe; they allege that the ELIZA Bledsoe mentioned in said Wax deed is Elizabeth Bledsoe, and they are one and the same person, and was so intended and understood at the time of the making of said deed to be Elizabeth Bledsoe; that the name by some mistake was spelled Eliza instead of Elizabeth.

The premises considered your orators are advised that both of said two deeds to said Elizabeth Bledsoe are in equity void in so far as your orators's said debt is concerned; that since the said two lots of land were paid for by the said Jeff Bledsoe, she in equity is merely a trustee or title holder of said lands; that said two deeds are void both for actual and constructive ^{because} fraud, neither of them have any valuable consideration emanating from the said Elizabeth Bledsoe to support them, and therefore your orators are entitled to have their said debt and judgement judicially declared to be a lien upon said lots of land; and that since your orators's said judgement was obtained and docketed before the said Wax deed was placed upon record as aforesaid, it is specific lien by virtue of section 2465 of the Code of 1904 of Virginia on said Wax tract or lot of land, regardless of the deed to the same being made to the said Elizabeth.

The prayer therefore, of your orators is that your honor take cognizance of this, their cause of complaint; that the said

Elizabeth Bledsoe writes long after their said debt had been paid.

Jeff Bledsoe and Elizabeth Bledsoe be made parties defendants to this bill of complainant; that they each be required to answer the same fully and completely, but they need not do so on oath as that is waived; that the said deeds of Head and Wax to the said Elizabeth Bledsoe be declared fraudulent and of no effect in so far as the debt and judgement of your orators are concerned; that the lands mentioned in said two deeds be decreed to be subject and liable for the payment of their said debt and judgement; that the same be sold by the court's proper commissioner, or enough thereof to pay The said debt and the costs of this suit. And that all other, further and general relief be awarded your orators that the nature of their cause may require to meet good conscience and equity. And they will ever pray, etc. May process issue, etc.

Pennington Bros. P.Q.

H. Z. & A. F. Parsons

vs } Bill

Elizabeth Bledsoe et al

1907 1st February Rules

Bill filed, Spw. ex
centrol & D. N.

" 2 February Rules

D. N. confirmed &
cause set for
hearing.

THIS DEED made this Apr. 28, 1905 by and between Michael Head and Rebecca Head his wife of the 1st part and Elizabeth Bledsoe of second part all of the County of Lee and State Va. WITNESSETH: That for and in consideration of the sum of Twenty Five Dollars (\$25.00) in hand paid the receipt whereof is hereby acknowledged Do grant bargain sell and convey unto Elizabeth Bledsoe a certain tract of land lying and being in Lee Co. Va. in the Pockett Country on Big Branch a Tributary to Strait Creek and bounded as follows, to-wit: Begining on a rock corner to Mary F. Wax land near a ditch cut by a spring, thence Southward 96 feet with said ditch to another rock, Thence westward 47 feet to another in Mary F. Wax's line Thence with said Wax's line 51 feet to the beginning. To have and to hold with all its appertaince forever except the coal right which has heretofore been conveyed to others. Now the conditions of the above obligation are such that the party of the first part covenants and binds themselves to warrant and defend this title Generally against all other claims. Witness our hands and seals, this April 28, 1905.

his
Mikeal x Head (Seal)
mark
her
Rebecky x Head (Seal)
mark

I, A. N. Pennington, a Justice of the Peace for Lee County State of Va aforesaid do certify that Mikeal Head and Rebecky Head whose names are signed to the writing above bearing date on the 28th day of April, 1905, have acknowledged the same before me in my county aforesaid. Given under my hand this 28, day of April, 1905. 1905.

A. N. Pennington, J. P.

Virginia, Lee County, to-wit:

In the Clerk's office of Lee County, on this the 26th day of September, 1905. This deed was presented, and together with the certificate annexed, admitted to record.

Teste: H. C. T. Ewing, Clerk.

A copy,

Teste: H. C. T. Ewing, Clerk.

This conveyance made this December 18th 1906 by W. H. Wax of the one part and Eliza Bledsoe of other part all of the County of Lee and State of Va

Witnesseth

That in consideration of the sum of Twenty five dollars in hand paid the receipt of which is hereby acknowledged the said W. H. Wax doth release to the said Eliza Bledsoe all his claim upon the following described land to wit: Adjoining the lands of the Bledsoe and others and bounded as follows begining on a state & small white oak on the bank S of the road that runs up Big Branch running east paralel to said road sixty feet to a stake in Michaels Heads land on the south bank of said road thence south with said Head line 115 feet to said Bledsoe line thence with said Bledsoes line 55 feet to said Waxes line thence with said W. H. Wax's line 124 feet to the begining witness the following signatures and seals

W. H. Wax

(seals)

I C. W. Densmore a Justice of the Peace for the County and State aforesaid do certify that W. H. Wax whose name is signed to the writing bearing date on the 18th day of December 1906 have acknowledged the same before me in my county aforesaid given under my hand this 18th day of December 1906

C. W. Densmore

J. P.

Virginia, Lee County, to-wit:

In the Clerk's office of Lee County, on this the 4th day of January, 1907. This deed was presented, and together with the certificate annexed, admitted to record.

Teste: H. C. T. Ewing, Clerk.

A copy,

Teste: H. C. T. Ewing, Clerk.

Virginia, Lee County, to-wit:

To the Sheriff or any Constable of said County:

You are hereby commanded to summon

if to be found in your County to appear at My office at Monarch Va in said County,
on the 3 day of December 1906 at 12 o'clock noon m. before me or some justice of the peace

of said County as may then be there to try this warrant, to answer the claim of.

H. J. Parson and Son A. F. Parsons in debt, to-wit, for the
sum of \$ 68 Dollars and 60 Cents, due by

account

And then and there make return of this

warrant. Given under my hand, this 26 day of Nov 1906.

A. R. Stapleton J. P.

Upon the hearing of the above warrant, judgement is that the plaintiff

H. J. Parson and Son A. F. Parsons recover of the
defendant, Jeff Bledsoe

the sum of 68 Dollars and 60 Cents, with

interest thereon from the 3 day of Dec 1906 till paid, and \$ 1.00

for his costs. This 3 day of December 1906.

A. R. Stapleton J. P.

Virginia, Lee County, to-wit:

To the Sheriff or any Constable of said County:

I command you, in the name of the Commonwealth of Virginia, that of the goods and chattles of

Jeff Bledsoe in your County,
you cause to be made the sum of \$ 68.60 with interest thereon from the 3 day

of December 1906 till paid, which H. J. Parson and Son

has recovered before me in a Warrant in Debt, and also the
sum of \$ 1.00 which were adjudged to said H. J. Parson and Son

for costs in prosecuting said warrant. Given under my
hand the 3 day of December 1906.

A. R. Stapleton J. P.

The within summons executed on the 26th day of November, 1906, by delivering a true copy of the same to Elizabeth Bledsoe, the wife of Jeff Bledsoe, at the usual place of abode of the said Jeff Bledsoe, and explaining to her its purport, and she being a person over 16 years of age, and a member of said Bledsoe's family; and he the said Jeff Bledsoe not being found at his usual place of abode.

E. S. Stapleton

D.S.

P.M. Ball, S.C.L.

24 y Prison

against

Jeff Bledsoe

Exhibit A in case of 1906 Bledsoe vs. Bledsoe. A true copy of the same to Elizabeth Bledsoe the wife of Jeff Bledsoe, at the place of abode of E. S. Stapleton 28 1/2 y 20th Bldg

Cost - Sheriff

J.P. 50

1,000

Dockets in S.L. Court page 10 & S.L. B.D. #4 page 123, Apr. 29 1908

Exhibit A in case of 1906 Bledsoe vs. Bledsoe. A true copy of the same to Elizabeth Bledsoe the wife of Jeff Bledsoe, at the place of abode of E. S. Stapleton 28 1/2 y 20th Bldg

=====#
H. Z. & A. F. Parson, Complainants #
vs. # Final Decree.
Jeff Bledsoe, et al. Defendants. #
=====#

On the calling of this case it is ordered to
be stricken from the docket at the cost of the plaintiffs;
the matters involved having been heretofore settled between
the parties. *No attorneys fee to be taxed*

H. Z. & A. F. Parsons

no } Orens final

Jeff. Bledsoe it all

Entered in C.O.B.

8, page 435

Enter this

Feb- 8 1909.

~~It~~ Am L. 81

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU THAT YOU SUMMON

W. T. Hall, Lunt Douglas
and Clifford Caldwell

to appear before the Judge of our Circuit Court of the County of Lee, at the court-house thereof, on the *22nd*
day of *May* 190*7*, to testify and the truth to say in behalf of the

Lift, in a certain matter of controversy in our said court before the
said Judge depending and undetermined between

W. J. Parsons

Plaintiff, and

L + N. R. R. Co.

Defendants .

And this

They

shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, H. C. T. EWING, Clerk of our said court, at the court-house the *14th* day of

May

190*7*, and in the *12*/*31* year of the Commonwealth.

H. C. T. Ewing, Clerk.

L & H. R. R. Co.

VS.

}

SUBPOENA
FOR
WITNESS

W. J. Parsons

Lee Circuit Court,

the 22 day of May

1907

Exhibited may

18 1907 By

Sumnering

all of the within

witness

E. S. Stapleton

for R. M. Ball

S. S. S.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Bledsoe

Jeff Bledsoe and Elizabeth

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the *1st* Monday in *Feb'y*, 190*7*, to answer a bill in chancery exhibited against *Them*

by H. G. Parsons and A. F. Parsons

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *16*"
day of *January*, 190*7*, and 1 *31*" year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

_____, Clerk.

Executed on the 18th day of January
1907 by delivering true copies
of the within summons to Jeff Bled-
soe and Elizabeth Bledsoe
in San Leon County, Va

E. S. Stephens, S. J. for
P. M. Ball S. L. &

H. G. Parsons, et al.,

SUBPOENA
IN
CHANCERY.

VS

}

Jeff Bledsoe, et al.,

Chanc. Bros. p. q

To

1st Feb'y.

Rules.

Court.

Leicester

1907.